

reference under 35 USC § 103 against the present application pursuant to 35 USC § 103 (c)." See second full paragraph on page 3 of Applicant's March 14, 2005 response under 37 CFR 1.111.

Applicants respectfully disagree with the Examiner in her conclusion that Silvi anticipates the present invention and request the Examiner to reconsider her claim rejections in light of the following comments. The Examiner states, "Applicant's argue that '957 makes not [sic] mention of the introducing the dihydroxy compound to a reaction mixture as a melt. However, the oligomeric polycarbonate prepared according to Silva [sic] would infact [sic] result in a melted moiety. The use of a batch melt reactor further emphasizes this point." See page 2 of the office action. Although a melted product would result from introducing a solid dihydroxy composition into a batch melt reactor operating under appropriate melting conditions, the Examiner's above statement fails to establish that the reference teaches at least **two** limitations of the present claims.

As pointed out in Applicant's March 14, 2005 response, *all* rejected claims refer to (1) "introducing a **melted** dihydroxy composition to the reaction mixture contained within the equilibration system." See independent claims 1, 25, 50, and 61. See *also* all rejected dependant claims. Further, the reaction mixture (2) comprises a **melted** activated diaryl carbonate composition, and a catalyst. *Id.* These **two** limitations are not the equivalent to what the Examiner suggests Silvi teaches, of combining the reaction components in a batch melt reactor and heating them until they are melted.

In Applicants' previous response, Applicants cited a benefit of adding the dihydroxy composition as a melt to the molten activated carbonate and catalyst. By adding the dihydroxy as a melt to the molten reaction mixture, rather than as a solid, random polymerization is promoted. See first paragraph on page 3 of the specification. If a dihydroxy is added as a solid to a molten reaction mixture, or if the reaction components are melted together, it is expected that the dihydroxy would melt and reside in the mixture in pockets thereby encouraging non-random

and block-type polymerization. When the dihydroxy is added as a melt to the molten reaction mixture such pockets are less likely to form due to quicker dispersion of the dihydroxy composition throughout the reaction mixture. Therefore random polymerization is more likely to occur.

Silvi makes *no* mention, either explicitly or inherently, of introducing the dihydroxy compound (1) as a *melt* to a (2) *melted* activated diaryl carbonate and catalyst. Further, nowhere in the cited reference can one find motivation to do so. Silvi only recites, "Typically, the oligomeric polycarbonate employed is prepared in a step involving heating a dihydroxy aromatic compound with an ester substituted diaryl carbonate in the presence of a transesterification catalyst." See Silvi at paragraph [0061]. In examples 1-5, Silvi also recites, "Solutions of oligomeric polycarbonate in methyl salicylate were prepared by equilibrating a mixture of bis(methyl salicyl) carbonate (BMSC), bisphenol A (BPA) and transesterification catalyst, tetrabutylphosphonium acetate (TBPA), at a temperature in a range between about 160 °C and about 220 °C in a batch melt reactor under a nitrogen atmosphere." See Silvi at paragraph [0098]. These disclosures do not teach the present limitations of introducing (1) a *melted* dihydroxy composition to the (2) *melted* activated diaryl carbonate, found in all rejected claims of the present application. Since the present limitations are not taught, Silvi cannot anticipate.

Applicants remind the Examiner that it is not the Applicants' duty to prove that the application is not anticipated. Instead "it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 USPQ2d 1461, at 1462. As detailed above, the Examiner has failed to address at least two limitations of the present claims, since nowhere in the cited reference are they explicitly or impliedly taught. Applicants respectfully ask the Examiner to point to where in Silvi, by column and line number these limitations may be found, or failing such, to withdraw her rejection of the claims.

Additional rejections were made by the Examiner with regard to specific dependent claims that were not directly addressed herein. Further, Applicants acknowledge the indication of objected to claims but submit that in view of the above remarks, all claims are allowable over the cited reference.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited. No fee or extension of time is believed to be due with the filing of this paper, however if such an extension is deemed due it is herein requested and the Commissioner is authorized to charge Deposit Account No. 15-0160.

Respectfully submitted,



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